

REMARKS/ARGUMENTS

Claims 1 through 20 remain in this application.

Claims 1 through 4, 6, 8, 11 through 13, 16 and 18 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,584,494 to Manabe, et al. ("Manabe, et al. patent") and U.S. Patent No. 6,993,564 to Whitten, II ("Whitten patent"). Claims 5, 7, 9, 15, 17 and 19 are rejected under 35 U.S.C. §103(a) as being unpatentable over the Manabe, et al. patent in view of the Whitten patent and U.S. Patent No. 6,430,604 to Ogle, et al. ("Ogle, et al. patent"). Claims 10 and 20 are rejected under 35 U.S.C. §103(a) as being unpatentable over the Manabe, et al. patent in view of the Whitten patent and U.S. Patent No. 6,301,609 to Aravamudan, et al. ("Aravamudan, et al. patent"). Claim 14 is rejected under 35 U.S.C. §103(a) as being unpatentable over the Manabe, et al. patent in view of the Whitten patent and U.S. Patent Application Publication No. 2004/0048615 to Kato, et al. ("Kato, et al. publication").

Independent claim 1 provides, *inter alia*, "retrieving configuration data of the target device including a plurality of classes and a plurality of canned replies associated with the plurality of classes" and "identifying an originating class of the originating device from the plurality of classes and a canned reply associated with the originating class based on the originating identification". Also, independent claim 11 provides, *inter alia*, "a messaging server for communicating with a plurality of client devices, the messaging server being effective to receive a communication message directed to a target device from an originating device, retrieve a plurality of classes and a plurality of canned replies associated with the target device, identify an originating class of the originating device from the plurality of classes and a canned reply

associated with the originating class based on the originating device, and send the canned reply to the originating device if the target device is unavailable for interactive communication with the originating device". Thus, claims 1 and 11 require a canned reply associated with an originating class.

Page 4, lines 14 through 18 of the above Office Action states that the Manabe, et al. patent does not describe or suggest the above aspect of claims 1 and 11.

The Whitten patent describes an instant messaging system in which a potential recipient may prepare a list of senders, which may include categories and status indicators, but does not disclose any type of canned reply associated with an originating class. Col. 3, lines 32 through 35, of the Whitten patent states that each category includes a list of status indicators that place restrictions on receiving messages from otherwise acceptable senders. The Whitten patent does not make reference to any other type of information that is associated with the categories, and it is evident from other parts of the Whitten patent that the status is different from canned replies. In particular, claims 1 and 11 provides for a canned reply associated with an originating class, whereas the Whitten patent discloses "a list of status indicators" (plural) associated with each category. Thus, the Whitten patent does not disclose any type of canned reply associated with an originating class, as required by claims 1 and 11.

The "status" of the Whitten patent differs from the canned replies of claims 1 and 11 for other reasons. It is clear from the language of the Whitten patent that "status" refers to a further refinement of the recipient's availability, namely the recipient's receptivity. In other words, the status is actually an availability status to further refine the general availability of the recipient.

First, FIG. 3, step 301, refers to determining a recipient's availability and receptivity by querying the recipient's contact list categories and status indicators. Second, FIG. 3, step 309, refers to the availability status noted by the sender. Third, col. 3, lines 45 through 61, in reference to steps of FIG. 3, describes the recipient's availability with regard to the sender's procedure, without any reference to the recipient's status. Thus, although status is communicated and noted by this procedure, it is generally used to determine the availability of the recipient. All of the above information indicates that the term "status" referenced by the Whitten patent is actually referring to a refinement of "availability", and cannot be interpreted as being any type of canned reply. Therefore, the Whitten patent does not describe or suggest a plurality of canned replies associated with an originating class, as required by claims 1 and 11.

In addition, the Ogle, et al. patent, the Aravamudan, et al. patent, and Kato, et al. publication do not describe or suggest any type of configuration data of a target device that includes a plurality of canned replies associated with a plurality of classes, as required by claims 1 and 11. Therefore, claims 1 and 11 distinguish patentably from the Manabe, et al. patent, the Whitten patent, the Ogle, et al. patent, the Aravamudan, et al. patent, Kato, et al. publication, and any combination of these references.

Claims 2 through 10 and 12 through 20 depend from and include all limitations of independent claims 1 and 11, respectively. Therefore, claims 2 through 10 and 12 through 20 distinguish patentably from the Manabe, et al. patent, the Whitten patent, the Ogle, et al. patent, the Aravamudan, et al. patent, Kato, et al. publication, and any combination of these references for the reasons stated above for claims 1 and 11.

In view of the above, reconsideration and withdrawal of the 35 U.S.C. §103(a) rejections of claims 1 through 20 are respectfully requested.

CONCLUSION

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. Also, no amendment made was for the purpose of narrowing the scope of any claim, unless Applicants have argued herein that such amendment was made to distinguish over a particular reference or combination of references.

The Commissioner is hereby authorized to deduct any additional fees arising as a result of this response, including any fees for Extensions of Time, or any other communication from or to credit any overpayments to Deposit Account No. 50-2117.

It is submitted that the claims clearly define the invention, are supported by the specification and drawings, and are in a condition for allowance. Applicants respectfully request that a timely Notice of Allowance be issued in this case. Should the Examiner have any questions or concerns that may expedite prosecution of the present application, the Examiner is encouraged to telephone the undersigned.

Respectfully submitted,
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